

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES T. JEFFERSON,

Petitioner,

v.

RICKY BELL, WARDEN,

Respondent.

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**Case No. 3:06-0429
JUDGE ECHOLS**

ORDER

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court rules as follows:

(1) The Magistrate Judge's Report & Recommendation (Docket Entry No. 25) is hereby APPROVED and ADOPTED;

(2) "Petitioner's Objection to Report and Recommendation" (Docket Entry No. 28) is hereby OVERRULED;

(3) Respondent's Motion to Dismiss (Docket Entry No. 15) is hereby GRANTED;

(4) Petitioner's Motion for Summary Judgment (Docket Entry No. 21) is hereby DENIED;

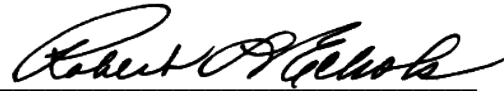
(5) Petitioner's Petition Under 28 U.S.C. § 2254 is hereby DENIED; and

(6) This case is hereby DISMISSED WITH PREJUDICE.

Further, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). Petitioner cannot demonstrate that a reasonable jurist would find debatable or wrong this Court's conclusion that Petitioner's habeas corpus petition was untimely and that Petitioner has not set forth an adequate basis for equitable tolling of the limitations period set out in 28 U.S.C.

§ 2244(d)(1). Nor would a reasonable jurist find debatable or wrong this Court's conclusion that Petitioner has failed to present evidence of actual innocence sufficient to allow the Court to review claims which would otherwise be dismissed as untimely.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE